No 2.

AN

ESSAY

ON

CIVIL LIBERTY.

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CIVIL LIBERTY:

OR, THE

Principles of the Revolution

VINDICATED.

DELIVERED BEFORE THE

UNIVERSITY OF CAMBRIDGE,

ON

WEDNESDAY, MAY 29, 1776.

By RICHARD WATSON, D.D. F.R.S.

REGIUS PROFESSOR OF DIVINITY IN THAT UNIVERSITY.

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TO HIS GRACE

AUGUSTUS-HENRY,

DUKE OF GRAFTON,

CHANCELLOR

OF THE

UNIVERSITY OF CAMBRIDGE.

MY LORD DUKE,

THE principles maintained in the following Essay have, of late, become generally unfashionable, and exposed the Author of it to some little misrepresentation, even in this place; he conceives them, however, to be founded in truth, or

he would not have either thus publicly avowed them to the world, or inſcribed them to your Grace; but have waited for ſome other opportunity of teſtifying the gratitude, with which he has the honour to be,

MY LORD,

YOUR GRACE'S

MUCH OBLIGED SERVANT,

THE AUTHOR.

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MANKIND may be conſidered as one great aggregate of equal and independent individuals, whom various natural and moral cauſes have been contributing, for above four thouſand years, to diſperſe over the ſurface of the earth. That the earth has never yet, ſince the univerſal deluge, been ſtocked with a third part of the inhabitants it is able to ſuſtain, has been chiefly owing to the ravages of war, excited in oppoſition to the principle of natural equality here advanced. For what elſe almoſt is the hiſtory of our Species, but the hiſtory of its deſtruction? it is blotted in every page with the blood of millions, who have either nobly fallen in aſſerting the great rights of

nature againſt the encroachments and abuſes of civil Society, or elſe of thoſe who have ſtupidly ſuffered themſelves to be ſacrificed in ſupporting that reproach to human nature, which derogates equally from the honour of thoſe who ſuffer it, and from the glory of thoſe who uſe it, Deſpotiſm.

Every individual of our Species is endowed with an aptneſs and ability of injuring every other with whom he has any intercourſe; from hence is derived the expediency of forming civil Societies, that each individual may avail himſelf of the common ſtrength in reſiſting private oppreſſion; but this expediency can never become a reaſon, why a few men of like paſſions with others, and no better than the reſt of their kind, ſhould be permitted, in any age or country, to tyranniſe over their fellows by nature, *to lift up their hearts above their Brethren.* [Deut. xvii. 20.] With reſpect to the great bleſſings of our being, God, as an impartial parent, has put us all upon a level; we are all ſprung from the ſame ſtock, born into the world under the ſame natural advantages, the earth nouriſhes us all with the ſame food, pours forth the ſame general beverage for us all, defends us all from the intemperature of the ſeaſons with the ſame coverings, we all breathe the ſame air, enjoy the ſame light, are warmed by the ſame ſun, refreſhed by the ſame rains,

recruited by the ſame ſleep. This equal diſtribution of natural good, is accompanied with an equality of natural faculties, by which we are enabled to enjoy it. The utmoſt period of human life, is much the ſame to all the nations of the earth; intemperance, every where, ſhortens this period; but temperance cannot, generally, lengthen it to a much greater extent in one climate, than in another; the inhabitants of the temperate Zones have, in this point, no advantage over the reſt of their Species; they are not formed with bodies more laſting, or more exempt from external injury or internal decay, than their neighbours on each ſide; and as to the individuals, in particular climates, no one has either more ſenſes, or the ſame ſenſes in greater perfection, than thouſands of his fellows. The ſame equality is obſervable in our intellectual endowments; civil culture, indeed, puts a diſtinction between individuals, which the ſtate of nature is a ſtranger to; but even this diſtinction, great as it may ſeem in ſome inſtances, is, in all, greater in appearance, than in reality; the faculties of perceiving, retaining, diſcerning; of comparing, compounding and abſtracting our Ideas, are as quick and as extenſive in the loweſt claſſes of life, as in the higheſt; the difference conſiſts, in their being exerted upon different objects. Some diſparity, it is true, with reſpect to corporal ſtrength and intellectual ability, may be obſerved,

when we compare together the moſt perfect of our Species with the moſt imperfect; yet this difference not only becomes leſs and leſs, as we increaſe the numbers compared together; ceaſing entirely, when we take in the whole; but cannot, even where it does ſubſiſt in the extremeſt degree, induce, amongſt free agents, any natural dependence or inequality, any right to dominion on the one hand, or obligation to ſubjection on the other.

The analogy of nature leads us to the ſame concluſion: Amongſt the various orders of Beings, which riſe by imperceptible gradations from unanimated matter to Man, not one has yet been diſcovered, in which the equality and independence of individuals is not preſerved. We may obſerve many whole ranks of creatures contributing, at the expence of their own exiſtence, to the ſupport of that of others; but this general ſubordination of different claſſes, has no relation to the ſubjection of one individual to another in the ſame claſs. We may obſerve, moreover, in ſome particular claſſes, many individuals uniting into a kind of community, feeding and ſleeping in herds and flocks, aſſembling themſelves together at ſtated times and in particular places, and making their migrations in large companies; but this diſpoſition for Society, whether you aſcribe it to the timidity, the affection, the

mechaniſm of their reſpective natures; from whatever principle you derive it, certainly does not ſeem to proceed from the ſuperiority of any one individual or of any number of individuals over the reſt. An inferiority of one Species of Beings to another, and an equality of individuals in the ſame Species, are general Laws of nature, which pervade the whole Syſtem.

Nor has God, in the particular revelations of his will which he hath made, delivered any thing ſubverſive of the concluſion here drawn from the contemplation of the general ſyſtem of nature which he hath formed. When he bleſſed Noah and his ſons, and ſaid unto them, *be fruitful, and multiply, and repleniſh the earth*; his benediction was general and equal to the Patriarch and his three ſons, and in them, to their reſpective poſterities, by whom the whole earth has been overſpread: and when he further ſaid, *the fear of you, and the dread of you ſhall be upon every beaſt of the earth, and upon every fowl of the air, and upon all that moveth upon the earth, and upon all the fiſhes of the ſea, into your hand are they delivered*; he did not by this great charter, under which man claims dominion over the other animals of the earth, give any one man dominion over another.

The natural equality and independence of individuals here contended for, is not only the great

ſource, from which that part of the Syſtem of natural law, which explains the duties of all men towards all in their individual capacity, and of all independent States towards each other in their collective capacity, is derived; but is alſo the ſureſt foundation of all juſt reaſoning concerning the origin and extent of civil Government in every part of the world. For, this principle being admitted, that, antecedent to all voluntary compact, every individual is equal to every other; it follows, as an eaſy conſequence, that the juſt ſuperiority of any one man, or of any order and ſucceſſion of men in any community, over the other members which compoſe it, muſt ſpring from their expreſs appointment and free conſent;—that no one individual can have a right to give his conſent for any other; nor any one generation of men, a right to eſtabliſh any form of Government, which their Children will not have an equal right to alter or aboliſh as they think fit; —— that as no individual can be compelled to give his conſent to become a member of any civil community, it may be doubted whether he can be compelled to continue a member, unleſs in caſes of his delinquency againſt the laws of nature, or againſt ſuch laws of Society as he himſelf has either explicitly aſſented to or tacitly acquieſced in, or unleſs a perpetual continuance in the community made part of the compact by which he entered

into it;—That the Authority of the ſupreme Magiſtrate to reſtrain natural liberty, and to diſpoſe of perſonal property, may be circumſcribed in its extent, defined in its quality, and limited in its duration, according to the mere good pleaſure of thoſe who entruſt him with it;—that when a civil Governor violates the Conſtitution of his country, or, in other words, the compact made between himſelf and thoſe who have condeſcended to be governed by him, he forfeits all title to the diſtinction, which his equals had for certain ends and purpoſes thought proper to confer upon him;—that Kings are not to look upon their Kingdoms as private eſtates, which they have an unconditional right to poſſeſs; nor to conſider themſelves as ſuperior to the laws, or their ſubjects as ſlaves, who are to fall down, like the Idolaters of old, and worſhip the work of their own hands.

Theſe, and many other equally important truths concerning the nature of civil Authority, were either not generally underſtood, or not generally received amongſt us, till after the Revolution. The People and Parliament, indeed, in the time of Charles the Firſt, ſeem to have comprehended the great outlines of civil liberty; but imagining, that it could not become complete, unleſs all men were reduced to the level of the ſtate of nature, they overturned the

Conſtitution; and by finally ſubmitting to the daring uſurpations of Cromwell, they brought the nation under a more debaſing and deplorable Servitude, than ever it had experienced under the moſt arbitrary of its princes. Thanks be to God, that as on this day we were freed from Republican Tyranny, and reſtored to that form of Government, which juſtly excites the envy of every modern nation, and which no ancient nation, in the opinion of the greateſt Politician of Imperial Rome, ever enjoyed. The miſeries which preceded the Reſtoration, the cauſes which, under God's eſpecial providence, produced it, and the misfortunes which followed it, from its being accompliſhed without ſubjecting the King to proper conditions, or from ſome inherent malady in the then Conſtitution, are all too notorious to be enlarged upon before this aſſembly. The misfortunes of that Family, terminated in the ſafety of theſe Kingdoms; but God forbid, we ſhould inſult the Aſhes of the dead, or the diſtreſſes of the living, by a minute inveſtigation of their errors in Government; eſpecially, as it is not probable, that the ſubverſion of the Conſtitution will ever again be attempted by the ſame means which they uſed. There are, in truth, other means leſs obvious, but more dangerous, by which as arbitrary a Syſtem of Government may, in ſome future period, be eſtabliſhed amongſt us, as

already prevails in moſt of the ſtates of Europe: we hope and truſt, this period is at a great diſtance; but the following reflections will not ſuffer us to entertain a doubt of the poſſibility, at leaſt, of its future exiſtence.

It is poſſible then, that the very ſmall part of the ſubjects of this mighty empire, with which the right of electing a Repreſentation for the whole is, at preſent, lodged, may become ſo corrupted and abandoned in their choice, as to elevate to that high diſtinction men of arbitrary principles, or of flagitious lives and ſtrangers to all principle, or of ruined fortunes and fitted for every ſpecies of political proſtitution;—it is poſſible, that a majority of ſuch a Repreſentation may betray their truſt, may ſacrifice their honour to their intereſt, may become poor through Luxury, and profligate through poverty;—it is poſſible, that a Syſtem of reciprocal corruption may take place between a bad Miniſter and ſuch a venal Repreſentation, that he may bribe them with the public money, and that they may profuſely grant him the public money in order to ſhare in the plunder of the people;—it is poſſible, that from an increaſe of commerce and an extenſion of empire, the influence of the Crown may be ſo far enlarged, as to enable any Miniſter to lay an undue Biaſs upon the judgments of individuals in both

Houſes of Parliament, by diſtributing amongſt them either private penſions, or the lucrative employments of public truſt; fear may compel ſome, gratitude may induce others, if not to ſupport, at leaſt to acquieſce in meaſures, which they do not approve; and an intereſted expectation may operate generally to the ſame end; — it is poſſible, that under ſuch circumſtances, the foundations of the Conſtitution may be gradually undermined, and the great fabric of civil liberty finally ſubverted, by the very formality of law, and by the immediate agency of the very powers deſtined to ſupport it; — it is poſſible, laſtly, that the bulk of the people, miſtaking the forms and ſhadows of the Conſtitution for its ſubſtance and reality, may not be ſenſible of their danger, till they are borne down to the earth under the preſſure of Taxes; may not be rouſed from their Lethargy, till they are fretted and galled by the Chains of Slavery; Then, however, at laſt, we are perſuaded, they will not degenerate from the blood of their Anceſtors; but with united hands and hearts, drag forth to condign puniſhment the moſt peſtilent of all Traytors, the traytors againſt the Conſtitution and the common Safety.

Whenever this melancholy ſcene ſhall take place amongſt us, that the legiſlative and executive Authority ſhall (though not in name and

appearance, yet) in effect and reality become united in the ſame perſon, (at the diſtant proſpect of which every friend of liberty muſt ſhudder with horror,) Government will not want men to ſupport its pretenſions with the ſhadow of reaſoning.

We grant you, they will ſay, the Crown of England is limited in its operation by the laws of our Conſtitution, as forcibly as the meaneſt of its ſubjects; for we abhor the doctrines of paſſive obedience and divine right, as of foreign growth, and firſt introduced amongſt us by ſome ſlaviſh Divines in the reigns of James the Firſt and his Succeſſor; we heartily reprobate ſuch principles, as repugnant alike to reaſon and revelation; we are not of thoſe, who cannot diſtinguiſh between reſiſtance and rebellion; for we venerate the principles of the Revolution, and thinking that the bond of union between a King of England and his people is then broken, when Government is adminiſtered more by the fluctuating will of an Individual, than by the ſettled laws of the community, we are of opinion, that the people may conſcientiouſly reſiſt the uſurpation of the Crown, even to the altering of the Succeſſion itſelf; But what of this has happened now? Has the King, by his regal Authority alone, abrogated, changed, or ſuſpended any of your ancient laws? Has he

exerciſed his prerogative in a manner unprecedented, or ſtretched its influence beyond the boundary claimed by his Anceſtors and allowed by yours? Has he ſcreened his favourite Miniſters from public Juſtice, by haſty diſſolutions of Parliament? Has he attempted to borrow money of his Subjects, and impriſoned, or otherwiſe maltreated thoſe who refuſed to lend it? Has he levied any taxes which did not originate with, and were not impoſed by your own repreſentatives? Has he raiſed, or kept up a ſtanding Army, without the conſent of Parliament? Has he refuſed to hear the petitions of his people, or conſtrued the petitioners Libellers? Has he diſplaced any conſcientious Judges for not declaring that to be Law, which was merely arbitrary, or filled the Bench with the refuſe of the Bar? Has he erected, by his own fiat, any new Judicatures, or changed the forms of proceeding in the old? In ſhort, has he done any one public Act, which is not ſanctified by the Laws of his Country, which is not ſtamped with the ſignature of the whole Legiſlature? Your Anceſtors, who effected the Revolution, as well as their Anceſtors, who reſiſted Charles, owned it Rebellion to reſiſt a King who governed by Law; and what has your King done, but execute the Laws enacted by your Anceſtors, or by your ſelves? What have you to complain of? The King, you ſay, is but the chief Magiſtrate of the nation—true

—ſuffer him, however, as that Magiſtrate, to execute the Laws according to the nature of his Office. His Authority, you contend, is limited by your wiſdoms—allowed—but within whatever narrow limits you may wiſh to confine his executive Authority, the legiſlative Authority of the State you muſt grant to be univerſal in extent, ſupreme in degree, irreſiſtible in operation; you muſt grant to the Government an unconditional ſupremacy over every individual compoſing the community ſubject to its Juriſdiction, or you will introduce into the boſom of Society that very liberty of a ſtate of nature, which it was, at firſt, inſtituted to regulate and reſtrain. —No, it might be anſwered: the power of every Legiſlature upon earth, even of the moſt uncorrupt and uninfluenced, is in its very nature fiduciary, and of conſequence not omnipotent. It may cruſh, indeed, with the weight of Government every inſurgent againſt its ſupremacy, it may be deaf to the petitions of millions, and treat the judgment of a majority of its ſubjects with contemptuous neglect; but it cannot make virtue become vice, nor alter the relations of things. It ſtands itſelf in a certain relation of infinite inferiority to the God of nature, whoſe Laws, whether natural or revealed, it cannot tranſgreſs without impiety; it ſtands in another relation of perfect equality to every other independent ſtate, whoſe rights it cannot violate

without injuſtice;— it ſtands in another relation of conditional ſuperiority to its own ſubjects, whoſe general intereſts it cannot oppoſe without Tyranny. For there may be a Tyranny of the whole Legiſlature, as well as of one of its members; the Tyranny of a King conſiſts in making his will the Law, the Tyranny of a Legiſlature conſiſts in making private intereſt a main principle of public conduct, and the Law of courſe an inſtrument of oppreſſion to the people in general. A Legiſlature may frequently err, and enact Laws injurious to the common weal; yet is not Tyranny to be wantonly imputed to it for ſuch errors; nothing leſs than a general defect in principle, proceeding from external influence, and producing a general corruption of its members, can entitle it to that Appellation. Of this kind of Tyranny we have hitherto had no example in our Hiſtory; for our Parliaments have hitherto protected us againſt the ambition of our Princes; and we truſt, they ever will protect us: If, however, in the viciſſitude of human things, the contrary ſhould happen;—if the Nobility, forgetting the duty they owe the people in return for the rank and diſtinction they enjoy above the other members of the community, ſhould ever abet the arbitrary deſigns of the Crown;—if the Commons ſhould become ſo wholly ſelfiſh and corrupt, as to be ready to ſupport any Men and any Meaſures;—if laſtly, the King ſhould be ſo

ignorant of his true intereſt, or ſo ill adviſed, as to uſe ſuch degenerate Parliaments as the tools of a Tyrannic Government;—then we have no doubt in aſſerting, that the people will have a full right to reſume the reins of Government into their own hands, to lop off the rotten gangrened members, and to purge the corruptions of the body politic in any manner they ſhall think moſt meet.—But who ſhall be the Judge, whether the Legiſlature hath violated the ends of its eſtabliſhment, or not? Who? but thoſe, by whoſe Authority it was at firſt ordained, and for whoſe benefit it is ſtill maintained, the People; the People are not made to ſwell the dignity of a Legiſlature, but the Legiſlature is every where eſtabliſhed to promote the intereſts of the people. No one, it is to be hoped, will ſo purpoſely miſtake my meaning, as to accuſe me of erecting a few factious incendiaries, the indebted diſcontented dregs of a nation, nor even ſuch intereſted leaders of oppoſition, as make a trade of their abilities, into a tribunal, before whoſe inquiſition the Majeſty of the Legiſlature ought to ſtoop with reverence; Men of this ſtamp ought to give no diſturbance to any Government; to a good one they are contemptible, and to a bad one they are not formidable; for they can never acquire the general confidence of the people; and without that, every effort againſt an eſtabliſhed

Government is, and ought to be, ruinous to thoſe who make it: without that, Charles the Second had never been reſtored to theſe Kingdoms, nor James the Second driven from them. To the People then, I repeat it, is the Legiſlature ultimately accountable for the execution of its truſt. God forbid, that our Governors ſhould, at any time, ſo far neglect their duties, as to make it neceſſary for the people to ſit in judgment upon their conduct; for their verdict is uſually written with the ſword, and regiſtered in blood.

Every one knows the deſolation, which overſpread this Land in the time of Charles the Firſt; but no one can tell, whether God will be ſo merciful to us, as to terminate ſuch another war by ſo favourable an Iſſue, as that which we this day commemorate: and this ſhould induce us all to deliberate and heſitate, to count the coſt and weigh the expected benefit, before we, by word or deed, blow up into a flame to conſume the land, that fire of Civil diſcord, which God, as a puniſhment for our infidelity and immorality, has ſuffered to be already kindled.

Thoſe who entertain high notions of the omnipotency of Parliament, will ſee no reſemblance between the cauſes, which brought on the

diſſenſions then, and now; and will not therefore trouble themſelves with apprehenſions of a ſimilar Cataſtrophe; others will think, there is no difference except in this; that it was a part of the nation, which then reſiſted the King, becauſe he would have taken from them their property, without their conſent given by themſelves or their repreſentatives; and now, it is a part of the empire, which reſiſts the Legiſlature for the very ſame reaſon. The beginnings of ſtrife were then trifling, the end devaſtation and carnage, oppreſſion of the People, ruin of the King, of the Nobility, and of the Conſtitution. The beginning of our preſent diſcords were trifling alſo, the progreſs is terrible, the end uncertain. This ſtorm, which hath ariſen in the Weſtern Continent, may be compared to the Cloud, which Elijah's Servant ſaw riſing out of the ſea; at firſt, it was little, no bigger than a man's hand, it was ſcarce viſible acroſs the Atlantic; and thoſe who did ſee it, too ſcornfully ſaid in their hearts, can a drop diſturb the repoſe of the ocean? can a ſpeck obſcure the ſplendour of the ſun? But how hath it ſince thickened, and expanded itſelf, and darkened the face of Heaven! how doth it now hang over our heads, ready to fall down in Torrents; which will gather as they go, and when ſwollen with the blood of our Brethren, may become too

mighty to be arreſted, or diverted from their ruinous progreſs by any arm of fleſh! May the Lord God Almighty then, whoſe *judgments are* aſſuredly *abroad in the Earth, by whom Kings reign, and Princes decree juſtice, who maketh men to be of one mind, and ſtilleth the mad tumults of the people*, vouchſafe to extend his mercy to us to interpoſe, as in former times, his particular Providence in our behalf, and to influence thereby the hearts of both King and People to their mutual Intereſt, PEACE.

FINIS.